**SUBCHAPTER 14. Crab and Lobster Management**

7:25-14.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Blind crab pot line" means a length of submerged line to which crab pots are attached.

"Blue crab" means the crab Callinectis sapidus.

"Commercial crab pot" means a cube or rectangular shaped device not larger than 30 inches on a side with openings inward for the entrance of crabs. Any similar device may be approved by the Division. The material of which the pot is constructed shall have a mesh not less than one inch across measured on its longest axis. The openings into the interior of the pot shall be oval and not larger than seven inches wide and four inches high.

**1.** Effective January 1, 1998, no person shall possess on marine waters or sell or offer for sale a commercial crab pot which does not include a biodegradable panel or other mechanism which is designed to create an opening to allow the escape of crabs or other marine organisms after a pot has been abandoned or lost, and which meets the following criteria:

**i.** The opening covered by the panel, or created by another approved mechanism as identified in subparagraph 1iii below shall be oval or rectangular and measure at least six and one-half inches wide and five inches high, shall be located in the upper portion of the pot, and shall be in a position which allows the unobstructed exit of crabs or fish from the pot;

**ii.** The panel shall be constructed of, or fastened to the pot with one of the following materials: wood lath; cotton, hemp, sisal or jute twine not greater than 3/16 inch in diameter; or nonstainless, uncoated ferrous metal not greater than 3/32 inch in diameter, except that plastic floatable panels may be fastened to the pot on the top side only by nonbiodegradable material and fastened on any other side by one of the biodegradable materials listed above;

**iii.** The door or a side panel of the pot may serve as the ghost panel if the door or side panel is fastened to the pot with a material specified in subparagraph 1ii above; and

**iv.** Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

**2.** Effective January 1, 1998, all commercial crab pots set in any body of water, less than 150 feet wide from shoreline to shoreline at mean low water or in any man made lagoon shall include terrapin excluder devices attached to the inside of all pot entrance funnels which meet the following criteria:

**i.** The terrapin excluder device shall be rectangular or diamond shaped and no larger than six inches wide and two inches high; and

**ii.** The terrapin excluder device shall be securely fastened inside each funnel to effectively reduce the size of the funnel opening to no larger than six inches wide and two inches high; and

**iii.** Any similar device may be approved by the Division after consultation at a regularly scheduled meeting of the Marine Fisheries Council.

"Crab" means any species commonly known as a crab except horseshoe crab (Limulus polyphemus). A Jonah crab is not considered a crab for the purposes of this subchapter except when specifically mentioned in a particular rule or provision.

"Crab dredge area" means all marine waters of the State including the Atlantic Ocean, with the exception of the Newark Bay Complex, the State oyster beds defined in N.J.A.C. 7:25-19.1, and the Delaware Bay north and west of a line:

**1.** Beginning at a point (corner 1) on the shore line of Cape May County (Lat. 39 deg 04.35' N; Long. 74 deg 54.81' W) thence running 247 deg 38.08'(T) 21,127 feet to a point (Corner 2) where the Clam Line intersects the Brandywine-Dennis Creek Line (Lat. 39 deg 05.67' N; Long. 74 deg 58.94' W);

**2.** Thence running 221 deg 14.32'(T) 4,871 feet to a point (Corner 3) (Lat. 39 deg 05.07' N; Long. 74 deg 59.62' W) located on the Dennis Creek Range Line:

**3.** Thence running 319 deg 56.61'(T) 25,329 feet to a point (Corner 4) (Lat. 39 deg 08.25' N; Long. 75 deg 03.08' W) located in Delaware Bay;

**4.** Thence running 270 deg 16.96'(T) 17,346 feet to a point (Corner 5) (Lat. 39 deg 08.25' N; Long. 75 deg 10.60' W) located in Delaware Bay;

**5.** Thence running 324 deg 07.80'(T) 22,527 feet to a point (Corner 6) (Lat. 39 deg 11.24' N; Long. 75 deg 13.42' W) located in the Delaware Bay;

**6.** Thence running 246 deg 44.27'(T) 11,924 feet to a point on the State boundary 3,400 feet southeasterly of Elbow of Cross Ledge Lighthouse (Lat. 39 deg 10.46' N; Long. 75 deg 15.73' W) in Delaware Bay.

"Delaware Bay," for the purpose of this subchapter, consists of the marine waters under the jurisdiction of the State of New Jersey north and west of the COLREGS Demarcation Line which runs from the Cape May Point Lighthouse in Cape May, New Jersey to F1 5sec Horn at Cape Henlopen, Delaware.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Fish and Wildlife.

"Land" means to transfer the catch of crabs from any vessel to any land, pier, wharf or dock.

"Lobster" means the American lobster Homarus americanus.

"Newark Bay Complex" means the tidal Passaic River, the tidal Hackensack River, the Newark Bay, the Arthur Kill, and the Kill Van Kull.

"Trot line" means a single length of anchored line no longer than 3,000 feet to which baits or baited barbless hooks are attached.

7:25-14.2 Use of crab pots and trot lines

**(a)** No individual shall tend or remove crabs from any pot or trot line unless he or she is the holder of a valid license, or as otherwise herein provided.

**1.** An individual tending crab pots or trot lines shall have in his or her possession his or her numbered license which corresponds to the vessel number and the number marker on the pots or trot lines tended;

**2.** A commercial licensee may authorize an agent to tend his or her pots or trot lines provided the agent is in possession of his or her own license, the license of the individual whose pots are to be tended and a letter of authorization from said licensee, issued and notarized by the Division indicating the number marker of the pots or trot lines that the agent is authorized to tend. In cases of hardship due to illness or vessel repairs, an authorized agent is not required to possess his or her own license, and can, for a maximum of 30 days, tend said licensee's pots or trot lines upon satisfying all other conditions of this paragraph.

**3.** In addition to the agent, the commercial licensee shall be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.20 for the violation of provisions of this subchapter actually committed by the agent based upon the apparent authority of the agent to act for his or her principal.

**(b)** No person shall cut or break the lines or otherwise tamper with or damage in any way, any pot, trot line or buoy which he does not own or is not authorized to tend.

**(c)** All other organisms other than crabs and conchs shall be immediately released to the waters from which such organisms were taken.

**(d)** All crab pots must be checked and emptied of all crabs and other organisms at least once every 72 hours.

**(e)** No license holder shall fish more than 600 crab pots in Delaware Bay nor more than 400 crab pots in all other waters.

**(f)** No license holder shall set any crab pots except between April 6 to December 4 in Delaware Bay and between March 15 to November 30 in all other waters.

**(g)** All gear associated with crab potting must be removed from the water within three days of the end of the season

7:25-14.3 Hours of fishing

Crab pots and trot lines may be tended only from 0400 hours (4:00 A.M.) to 2100 hours (9:00 P.M.) prevailing time, in Delaware Bay and 24 hours a day in all other waters.

7:25-14.4 Commercial licenses for crab pots/trot lines and crab dredges

**(a)** No individual shall take or attempt to take crabs by any means for the purpose of sale or barter without having in his or her possession his or her valid commercial crab pot/trot lines or crab dredge license issued by the Division pursuant to N.J.S.A. 23:5-35.2. A Delaware Bay commercial crab dredge license is valid to harvest crabs only within that portion of the "Delaware Bay" defined at N.J.A.C. 7:25-14.1 as part of the "crab dredge area." An Atlantic Coast commercial crab dredge license is valid to harvest crabs in all areas defined at N.J.A.C. 7:25-14.1 as the "crab dredge area," except the area defined as the "Delaware Bay."

**1.** To be eligible for a commercial crab pot/trot line license, the applicant must provide a copy of a previously valid commercial crab pot/trot line license held by the applicant from the previous year. The Department shall issue no more than one commercial crab pot/trot line license to any individual at any time.

**2.** No additional crab pot/trot line licenses will be issued until the number of licenses issued decreases below 180 licenses. When the number of issued licenses decreases below this threshold, the Department shall issue the available licenses, in accordance with (a)10 below.

**3.** To be eligible for an Atlantic Coast commercial crab dredge license, the applicant must provide a copy of a previously valid Atlantic Coast crab dredge license held by the applicant from the previous year. The Department shall issue no more than one valid Atlantic Coast crab dredge license to any individual at any time.

**4.** No additional Atlantic Coast commercial crab dredge licenses will be issued until the number of licenses issued decreases below 100 licenses. When the number of issued licenses decreases below this threshold, the Department shall issue the available licenses, in accordance with (a)10 below.

**5.** To be eligible for a Delaware Bay commercial crab dredge license, the applicant shall provide a copy of a previously valid Delaware Bay commercial crab dredge license held by the applicant from the preceding year.

**6.** No additional Delaware Bay commercial crab dredge licenses shall be issued until the number of licenses issued decreases below 50 licenses. When the number of issued licenses decreases below this threshold, the Department shall issue the available licenses, in accordance with (a)10 below.

**7.** A commercial crab pot/trot line and crab dredge licensee may transfer the right to the license at any time to the license holder's spouse, father, mother, son, daughter, brother, or sister upon application to the Division, provided the license is not pending revocation, suspension, or court action for any violation. In addition, the holder of a valid commercial crab pot/trot line or crab dredge license not pending revocation or court action due to violation of a provision of this subchapter may transfer the license to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister subject to (a)7i through v below, as applicable. The new licensee shall have a license issued in his or her name after payment of the fee specified at (a)8 below.

**i.** An active crab pot/trot line licensee who has harvested 200 or more bushels of hard crabs or 2,000 or more peeler crabs in the prior year, or an inactive crab pot/trot line licensee who has harvested less than 200 or less bushels of hard crabs or less than 2,000 peeler crabs in the prior year, shall apply to the Department for a transfer of the license to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister by no later than February 28 of the year in which the license holder wishes to transfer the license. If the Department receives 20 or fewer transfer applications from active crab pot/trot line licensees, or five or fewer transfer applications from inactive crab pot/trot line licensees, the Department will proceed with the transfer process for all requests. If the Department receives more than 20 applications from active crab pot/trot line licensees, or more than five applications from inactive crab pot/trot line licensees, the Department will institute the lottery system pursuant to (a)7v below to determine the order in which licensees will be allowed to transfer a license to an individual other than a spouse, father, mother, son, daughter, brother, or sister.

**ii.** An Atlantic Coast crab dredge licensee may not transfer a license to an individual other than a spouse, father, mother, son, daughter, brother, or sister until the number of available licenses falls below 100 licenses. Once the number of available Atlantic Coast crab dredge licenses falls below 100 licenses, the Department will allow unlimited license transfers of Atlantic Coast crab dredge licenses to any person.

**iii.** A Delaware Bay crab dredge licensee must apply to the Department for a transfer of the license to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister by no later than February 28 of the year in which the license holder wishes to transfer the license. If the Department receives five or fewer transfer applications from Delaware Bay crab dredge licensees, the Department will proceed with the transfer process for all requests. If the Department receives more than five applications from Delaware Bay crab dredge licensees, the Department will institute the lottery system pursuant to (a)7v below to determine the order in which licensees will be allowed to transfer a license to an individual other than a spouse, father, mother, son, daughter, brother, or sister.

**iv.** Once the number of available crab pot/trot line licenses falls below 180 licenses or the number of available Delaware Bay crab dredge licenses falls below 50 licenses, the Department will allow unlimited license transfers to any person of crab pot/trot line licenses or Delaware Bay crab dredge licenses each calendar year.

**v.** If the number of license transfer requests to an individual who is not the licensee's spouse, father, mother, son, daughter, brother, or sister exceeds the number at (a)7i or iii above in a calendar year, the Department will institute a lottery and generate a list of licensees based upon the lottery results. Any licensee requesting a transfer of a crab pot/trot line, or crab dredge license will be given the first opportunity to transfer a license in the order in which the licensees are placed on the list.

**vi.** The Department shall provide notice by first class mail to the licensee at the top of the crab pot/trot line or crab dredge lottery list about the opportunity to transfer a license. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. A licensee has 30 days from the postmark date of the notice to respond to the Department.

**vii.** The Department shall remove an individual's name from the transfer license list if the individual is offered an opportunity to transfer a license under this paragraph, regardless of whether the individual transfers a license or not. Applications for a transfer shall be available from the Department. Only applications that are complete will be considered by the Department. The crab pot/trot line or crab dredge lottery will remain in place until the number of licenses falls below the number of licenses at (a)2 or 6 above, at which time the Department will allow unlimited license transfers to any person.

**8.** The license fee for New Jersey residents shall be $ 100.00 for a commercial crab pot/trot line license, $ 100.00 for a Delaware Bay commercial crab dredge license and $ 100.00 for an Atlantic Coast commercial crab dredge license. The license fee for non-residents will be the same as that for a resident if a New Jersey fisherman can obtain a license to harvest crabs in the state of residence of the non-resident applicant for the same fee as a resident of that state. Otherwise, the non-resident license fee shall be an amount equal to five times the $ 100.00 New Jersey resident license fee. All licenses shall expire on December 31 of the calendar year for which they were issued.

**9.** For crab pots and trot lines, the gear number shall be displayed on both sides of the crabber's boat amidship, in numerals not less than 12 inches high of a color contrasting with the background, and such numerals shall be illuminated during the hours of darkness.

**10.** When any additional commercial crab pot/trot line or crab dredge license becomes available pursuant to (a)2, 4, or 6 above, the individual(s) remaining on the lottery list of prior unsuccessful applicants will be given the first opportunity to obtain the license in the order in which they are placed on the list, provided the individual(s) purchase a license within 30 days of being notified by the Department. The Department shall provide notice by first class mail to the individual(s) on the list about the opportunity to obtain an available license. It is the responsibility of the applicant to provide the Department with written notification of any change in mailing address. Once the existing list is exhausted, the Department shall notify commercial docks and fishing organizations by e-mail or first class mail as to the availability of licenses. Applications for a license shall be available from the Department, and successful applicants shall be chosen by lottery, if necessary, from all completed applications received by the Department. The Department shall remove an individual's name from the crab pot/trot line license list, the Atlantic Coast crab dredge license lottery list, or Delaware Bay crab dredge license lottery list if the individual is offered an opportunity to purchase an available license under this paragraph, regardless of whether the individual purchases the license or for the crab pot/trot line license and the Atlantic Coast crab dredge license, if the individual acquires a license from an immediate family member pursuant to (a)7 above.

**(b)** For the purposes of this section and N.J.S.A. 23:5-35.1, the possession of more than one bushel of crabs shall be considered as taking for the purpose of sale or barter. A bushel shall be defined as a U.S. standard bushel equivalent to four pecks or 32 quarts.

**(c)** An applicant who is otherwise eligible for a license under (a)1, 3, or 5 above, but who fails to provide a copy of his or her license before the December 31 expiration of that license, may request an extension of time to renew in accordance with this subsection and (d) through (f) below.

**1.** The written request, along with any supporting documentation, shall be submitted to:

New Jersey Division of Fish and Wildlife

Mail Code 501-03

PO Box 420

Trenton, New Jersey 08625

**2.** The request shall:

**i.** Identify the specific license for which the extension of time to renew is requested;

**ii.** Explain in detail why the extension of time to renew is needed, including a statement of the type and degree of hardship that prevented the timely renewal of the license, and the hardship that will result to the applicant if the license is not renewed; and

**iii.** Provide appropriate documentation as necessary to support the request for the extension.

**(d)** The Department shall approve an extension request under (c) above only if it determines that the request and documentation demonstrate that:

**1.** By reason of extraordinary hardship or exceptional situation or condition, the applicant was precluded from renewing his or her commercial crab pot and/or dredge license(s) during the 12-month application period preceding the year for which the license is requested;

**2.** By reason of extraordinary or exceptional situation or condition, strict compliance with the deadline in (a)1, 3 or 5 above would result in exceptional and undue hardship upon the applicant; and

**3.** The circumstances supporting (d)1 and 2 above were not created by the applicant or persons under his or her control, and the approval of the extension will not unreasonably interfere with the orderly administration of this licensing program.

**(e)** The Department shall provide written notice to the applicant of its decision to approve or deny the request for extension.

**(f)** The denial of an extension request may be appealed pursuant to the procedures outlined in N.J.A.C. 7:25-14.21, Request for adjudicatory hearing.

7:25-14.5 Non-commercial licenses for crab pots/trot lines and crab dredges

**(a)** No individual shall take or attempt to take crabs by means of crab pots, trot lines or crab dredges without having in his or her possession a valid license issued by the Division.

**1.** The Division will issue a noncommercial crab pot/trot line license for no more than two crab pots or two trot lines. Trot lines shall not exceed 150 feet in length with a maximum of 25 baits attached. Pots and trot lines shall be marked with the licenses number. There is no fee for this noncommercial license. All licenses shall expire on December 31 of the calendar year for which they were issued.

**2.** The Division shall issue a non-commercial crab dredge license subject to the following provisions:

**i.** The number of dredges on any one vessel shall not exceed two;

**ii.** The maximum weight of each dredge shall be 80 pounds;

**iii.** The maximum length of the tooth bar shall be 38 inches;

**iv.** The maximum length of teeth shall be three inches;

**v.** The minimum space between teeth shall be two and three-quarters inches measured at the base;

**vi.** Mechanical dredge haulers are prohibited;

**vii.** No person shall catch, take or attempt to catch or take crabs by means of a crab dredge except during the times and seasons set forth in N.J.A.C. 7:25-14.7(d) and (e);

**viii.** All organisms other than crabs taken by crab dredge shall be immediately returned to the water; and

**ix.** There is a fee of $ 15.00 for this noncommercial license.

**3.** Crabs taken under provisions of a noncommercial license may not be sold or used for barter. The maximum harvest and/or possession of crabs for the noncommercial crabber is one bushel per day per person.

7:25-14.6 Placement and marking of pots and trot lines

**(a)** Each crab pot shall be clearly and visibly marked with a buoy, stake or permanent identification tag bearing the license number of the owner, and all blind crab pot lines shall be clearly and visibly marked with a stake or buoy at both ends of the line. All crab pot buoys and all blind crab pot line buoys and stakes shall be marked with fluorescent or reflective paint, tape or other reflective material or reflectors. Floating line shall not be used or any crab pot or crab pot buoys.

**(b)** Each trot line shall be marked at both ends with a clearly visible stake or buoy. No trot line shall be set within 100 feet of another trot line.

**(c)** No pot shall be placed in a creek, ditch or tributary less than 50 feet wide at mean low water unless approved by the Division. No pot, blind crab pot line or trot line shall be placed in any man-made lagoon or in any marked or charted channel except noncommercially licensed pots fastened to a pier or other shore connected structure by a line no larger than twice the depth of the water at that point. Any pot placed in any body of water less than 150 feet wide from shoreline to shoreline at mean low water or in any man-made lagoon shall contain terrapin excluder devices pursuant to N.J.A.C. 7:25-14.1.

**(d)** No pot or trot line shall be placed in areas designated by the Division after consultation with the Shellfisheries Council and the Marine Fisheries Council, as off limits for the catching of crabs by means of pots or trot lines, except noncommercially licensed pots fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

**(e)** At no time shall any pot or trot line be placed to obstruct or impede navigation.

7:25-14.7 Use of crab dredges

**(a)** An individual shall not catch or take crabs by dredges without having his or her valid crab dredge license in his or her possession. A Delaware Bay commercial crab dredge licensee may authorize an agent to operate the said licensee's crab dredge vessel if the agent is in possession of the said licensee's license and a letter of authorization from said licensee, issued and notarized by the Division, indicating the license number and vessel registration number of the vessel that the agent is authorized to operate. In addition to the agent, the commercial licensee shall be held liable and subject to the penalty provisions provided in N.J.A.C. 7:25-14.20 for the violation of provisions of this subchapter actually committed by the agent based upon the apparent authority of the agent to act for his or her principal.

**1.** No boat shall have more than four dredges working at the same time, except in Delaware Bay where no boat shall have more than two dredges working at the same time.

**2.** The maximum length of each tooth bar shall be 75 inches north of Route 36 (Highlands Bridge) and in the Atlantic Ocean, but if two or fewer dredges are in possession north of Route 36 (Highlands Bridge) or in the Atlantic Ocean then the maximum length of each tooth bar shall be 96 inches. The maximum length of each tooth bar shall be 54 inches in Delaware Bay, but if no more than one dredge is in possession in Delaware Bay then the maximum length of each tooth bar shall be 96 inches. The maximum length of the tooth bar in all other crab dredge areas shall be 38 inches.

**3.** The maximum weight of each dredge shall be 400 pounds north of Route 36 (Highlands Bridge) and in the Atlantic Ocean, but if two or fewer dredges are in possession north of Route 36 (Highlands Bridge) or in the Atlantic Ocean then the maximum weight of each dredge shall be 500 pounds. There is no weight limit for dredges used in Delaware Bay. The maximum weight of each dredge in all other crab dredge areas shall be 80 pounds. All weights refer to the weight of the dredge and collecting bag.

**4.** The maximum length of teeth shall be six inches north of Route 36 (Highlands Bridge), the Delaware Bay and in the Atlantic Ocean and three inches in all other crab dredge areas.

**5.** Shellfish harvested from Delaware Bay Areas 2 and 3 may be retained as provided under N.J.S.A. 50:3-16.13 and N.J.S.A. 50:3-16.20. Simultaneous possession of shellfish and a dredge larger than specified in N.J.S.A. 50:3-16.20 shall be prima facie evidence of a violation of this section.

**6.** The minimum space between teeth shall be two and three-quarters inches in all crab dredge areas, measured at the base.

**7.** A toothless bar shall be allowed in place of a tooth bar in all waters, provided each toothless bar is no greater in length than the tooth bar lengths, specified at (a)2 above.

**8.** Chains shall be allowed in place of a tooth bar or toothless bar in all waters provided that the width of each dredge opening or mouth and the distance between the chain attachment points on the dredge are no greater in width than the tooth bar lengths specified at (a)2 above.

**9.** The collecting bag of a dredge, if material, shall have mesh not less than two inches bar measure or four inches stretched measure; if wire, shall not be less than two inches bar mesh (inside measurement) or two and one-half inches inside diameter if circular; if metal, the O-rings shall not be less than two inches in diameter and shall be connected with no more than six "S" hooks that measure not less than two inches in length as measured to the inside of the "S" configuration.

**10.** Each dredge shall be independently and separately attached to a vessel by a single cable or tow line; except that two dredges can be towed by a single line in the Atlantic Ocean, Delaware Bay and north of Route 36 (Highlands Bridge) provided that the dredges are not solidly attached to each other in any way and are fastened to the tow line by a bridle that allows the dredges to act independently of each other.

**(b)** No person shall catch, take, or attempt to take crabs by dredge from any area except the "crab dredge area" as defined in the definitions section. No person shall dredge or attempt to dredge crabs on any marked leased shellfish grounds. No person shall dredge or attempt to dredge crabs within 50 yards of any marked leased shellfish grounds.

**(c)** No person, while engaged in the catching and taking of crabs by dredge, shall have in his or her boat or possession any organisms other than crabs and conchs obtained from any source, except as provided under N.J.S.A. 50:3-16.13. Conchs may be retained in the crab dredge fishery. The possession of dredges and any organisms other than crabs and conchs simultaneously in the boat of any person shall constitute prima facie evidence of the violation of this section.

**(d)** No person shall catch, take or attempt to catch or take crabs or conchs by means of a crab dredge except from one-half hour after sunrise to one-half hour before sunset from November 15 through April 15 in Delaware Bay; and from December 1 through March 31 in all other waters. The possession of dredges and crabs or conchs simultaneously in the boat of any person when the crab dredge season is closed shall constitute prima facie evidence of the violation of this section.

**(e)** No person shall catch, take or attempt to catch or take crabs by means of a crab dredge at any time on Sunday except north of Route 36 (Highlands Bridge), in Delaware Bay, or in the Atlantic Ocean.

7:25-14.8 Landing crabs

All crabs harvested commercially in State waters shall be landed in this State.

7:25-14.9 Female crabs with eggs attached

No person shall take from any of the waters of this State, or have in his possession any female Jonah crab or any female crustacean, commonly known as a crab, with eggs or spawn attached thereto, or from which the egg pouch or bunion has been removed.

7:25-14.10 Size of crabs taken

**(a)** No person shall take from any tidal waters of this State or have in his or her possession any peeler or shedder blue crab measuring less than three inches across the back from the tip of the longest lateral spine to the other or a soft blue crab measuring less than three and one-half inches across the back from the tip of the longest lateral spine to the other, or hard blue crab measuring less than four and one-half inches across the back from tip to tip of spike.

**1.** For purposes of this section, a peeler or shedder blue crab shall mean a hard blue crab which has a fully formed soft shell beneath the hard outer shell and the impending shedding process is evidenced by the white sign along the outer rim of the paddle-like appendages on the crab's fifth pair of legs.

**(b)** A person shall not purchase, sell, offer for sale, or expose for sale any hard blue crab measuring less than four and three-quarter inches across from tip to tip of spike except as noted in (b)1 below. Any commercially licensed vessel or person in possession of more than one bushel of blue crabs shall be presumed to possess all blue crabs for the purpose of sale.

**1.** A person shall not purchase, sell, offer for sale, or expose for sale any mature female blue crab measuring less than four and one-half inches across from tip to tip of spike.

**(c)** A person shall not possess, purchase, sell, offer for sale, or expose for sale any Jonah crab measuring less than four and three-quarter inches in carapace width or any Jonah crab claw less than two and three-quarter inches in total length. The minimum claw length requirement does not apply if the volume of claws detached at sea is less than five gallons or if the claws are detached from a landed Jonah crab that meets the minimum carapace width requirement.

7:25-14.11 Harvesting crabs

**(a)** No person shall take or attempt to take any crabs by any means in the Newark Bay Complex.

**(b)** Crabs may be taken by licensed bait seines authorized pursuant to N.J.S.A. 23:5-24.2 and N.J.A.C. 7:25-18.5. Crabs taken by bait seines shall not be sold or used for barter and the maximum harvest and/or possession of crabs taken by bait seines is one bushel per day per individual; except that crabs taken by licensed bait seines during the crab pot/trot line season pursuant to N.J.A.C. 7:25-14.2(f) may be sold and may exceed one bushel per day per individual provided the individual also possesses his or her valid commercial crab pot/trot line license specified at N.J.A.C. 7:25-14.4(a).

**(c)** The recreational possession limit for Jonah crab shall be 50 Jonah crabs per person per day, which shall not be bartered, sold, offered for sale, or exposed for sale.

**(d)** A person taking Jonah crabs as by-catch with a fish or conch pot shall not land, for the purpose of sale or barter, more than 1,000 Jonah crabs or 2,000 Jonah crab claws per trip. The total weight of Jonah crabs or Jonah crab claws harvested as by-catch shall not exceed the total weight of the targeted species at any time during a trip.

7:25-14.12 Filing of reports

**(a)** All persons commercially licensed to take crabs shall keep, on forms provided by the Division, accurate records of the number of bushels of hard crabs, peelers and soft crabs caught, the type of gear used and the area fished. These records shall be filed by the 10th day of each month with the Division and said filing must be current before a commercial license for crab pot/trot lines or crab dredges is issued for the subsequent year. If no crabs were harvested during the month, a report to that effect shall be provided. Failure to file on or before the 10th of the month following the month of record may lead to suspension or permanent revocation of said license by the Department according to the following schedule:

**1.** First offense: no suspension;

**2.** Second offense: 120 days suspension; and

**3.** Third offense: permanent revocation.

**(b)** All license suspensions shall be imposed during the open season for the respective fishery; any period of suspension not occurring during the existing season shall be applied during the next open season even if such season falls in a different calendar year. Prior to suspension of the license, the licensee may request a hearing in accordance with the procedures at N.J.A.C. 7:25-14.21.

**(c)** The Department shall automatically remove and reduce to zero the number of previous reporting offense(s) on a licensee's record if the licensee does not commit any other violation of this section for 18 months from the date of the first reporting offense on record or from the date of completion of a suspension imposed as a result of a second reporting offense on record.

**(d)** A licensee cited for violation of this section may submit a nullification request to nullify a reporting offense and any resulting penalty due to an extraordinary hardship or exceptional circumstance in accordance with this subsection and (e) through (f) below. The licensee shall submit the nullification request as part of the request for an adjudicatory hearing on the reporting offense. The licensee shall file the request for adjudicatory hearing in accordance with N.J.A.C. 7:25-14.21, with a copy of the nullification request and any supporting documentation. The nullification request shall:

**1.** Identify the specific reporting offense for which the nullification is requested;

**2.** Explain in detail why the licensee was not able to comply with the reporting requirements at (a) above, including a statement of the type and degree of hardship that prevented compliance with the reporting requirements and the hardship that will result to the licensee if the reporting offense is not nullified; and

**3.** Provide appropriate documentation as necessary to support the request for nullification.

**(e)** The Department shall nullify an offense and any resultant penalty under (a) above if it determines that:

**1.** By reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the reporting requirements;

**2.** By reason of extraordinary or exceptional situation or condition, strict compliance with the reporting requirements at (a) above would result in exceptional and undue hardship upon the licensee;

**3.** The circumstances supporting (e)1 and 2 above were not created by the licensee or persons under his or her control; and

**4.** The approval of the nullification will not unreasonably interfere with the orderly administration of these reporting requirements.

**(f)** The Department shall provide written notice to the licensee of its decision to approve or deny the nullification request. If the Department denies the nullification request, the request for an adjudicatory hearing on the reporting offense shall be deemed to include a request for an adjudicatory hearing on the denial of the nullification request. If the Department approves the nullification request, the request for an adjudicatory hearing on the reporting violation shall be deemed withdrawn as moot.

7:25-14.13 Size of lobster taken

**(a)** A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster of the genus and species Homarus americanus, which when measured from the rear end of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell is less than the lengths listed below after the dates stipulated.

August 19, 2002 3 1/4

July 1, 2002 3 5/16

July 1, 2003 3 11/32

July 1, 2004 33/8

**(b)** A person fishing in Atlantic States Marine Fisheries Commission (ASMFC) Lobster Management Area (LMA) 3 or that has designated Lobster Management Area 3 for fishing on their Federal Fisheries Permit or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer to sell any American lobster with a length as measured in (a) above that is less than the length listed below after the dates stipulated:

**After** **Minimum Size (inches)**

July 1, 2005 3 13/32

July 1, 2006 3 7/16

July 1, 2007 3 15/32

July 1, 2008 3 1/2

January 1, 2013 3 17/32

**(c)** A person fishing in ASMFC Lobster Management Area 3, 4 and/or 5 or that has designated Lobster Management 3, 4 and/or 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take, land, have in his or her possession, sell or offer for sale any American lobster with a length as measured in (a) above that is greater than the length listed below after the dates stipulated.

**ASMFC Lobster Management** **Dates** **Maximum Size (inches)**

Area

LMA 3 after July 1, 2012 6 3/4

LMA 4 after July 1, 2002 5 1/4

LMA 5 after July 1, 2004 5 1/4

**(d)** A person shall not import, export, have in his or her possession, buy, sell or offer to buy or sell any American lobster that does not comply with the size limits for the Lobster Management Areas as stipulated in (a) through (c) above.

**(e)** The maximum size limits stipulated in (c) above apply to the recreational harvest of American lobster. The minimum size limit for American lobster harvested for recreational purposes shall comply with those stipulated in (a) above and shall not be sold, offered for sale or bartered.

**(f)** A State Lobster Pot Permittee possessing a Type A, B, C, E or F Permit shall report to the Department the initial ASMFC Lobster Management Area(s) he or she intends to fish and notify the Department prior to relocating to a different Lobster Management Area(s). Notification shall be sent to:

NJ Lobster Pot Permit Program

Nacote Creek Research Station

PO Box 418

Port Republic, NJ 08241

**1.** If the permittee identifies more than one ASMFC Lobster Management Area as an area he or she intends to fish, then the more restrictive maximum and/or minimum size limit of those identified areas shall apply to that permittee's possession, landing and sale of lobsters.

**(g)** A person shall not take from the marine waters of this State by any means, possess at sea or offload at any port an American lobster, which is damaged or mutilated to the extent that its length as specified in (a) above cannot be determined.

**(h)** A person shall not import, export, have in his or her possession, buy, sell, or offer to buy or sell, any detached American lobster tail, if the sixth abdominal segment (that segment closest to the fan of the tail), when measured along its dorsal center line with the tail flexed, is less than one and one-eighth inches in length.

7:25-14.14 Lobster possession limits

American lobster taken by otter trawl or fish pot shall be limited to 100 lobster per day per vessel (based on a 24-hour period) up to a maximum of 500 lobsters per trip per vessel, for trips of five days or longer. American lobster taken by hand, or any gear or methods other than otter trawl, fish or lobster pot or fish or lobster trap shall be limited to six lobster per person in possession or taken in any one calendar day.

7:25-14.15 Prohibitions

**(a)** A person shall not take from the marine waters of this State by any means, import, export, offload at any port, have in his or her possession, buy, sell or offer to buy or sell, any American lobster with eggs attached, or from which the egg have been removed.

**(b)** All commercial lobster permit holders authorized to fish in Lobster Management Area (LMA) 5 must, prior to discarding, apply a v-shaped notch in the base of the tail flipper of each egg-bearing female American lobster. The v-shaped notch must be at least 1/4 inch deep and placed in the base of the pelvic flipper immediately to the right of the center flipper as viewed from the back of the lobster.

**(c)** A person fishing in ASMFC Lobster Management Area (LMA) 4 or that has designated LMA 4 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of April 30 through May 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 4. During the closed season, all lobster traps in LMA 4 must be removed from the water. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.

**(d)** A person fishing in ASMFC Lobster Management Area (LMA) 5 or that has designated LMA 5 for fishing on their Federal Fisheries or State Lobster Pot Permit shall not take or attempt to take, land, have in his or her possession, sell, or offer to sell any American lobster during the closed season of February 1 through March 31, inclusive. During the closed season, no dealer shall accept, have in his or her possession, buy or offer to buy, sell, or offer to sell any American lobster harvested from LMA 5. During the closed season, all lobster traps in LMA 5 must be removed from the water. However, a licensee shall have a two-week period from when the season closes to accomplish removal of all lobster traps. In addition, unbaited lobster traps may be set one week prior to the season reopening. If the license holder is harvesting other species with lobster trap gear, the lobster trap gear does not need to be removed; however, it shall be tended at least every 30 days.

**(e)** A person shall not possess a female lobster bearing a v-shaped notch (that is, a straight-sided triangular cut with or without setal hairs, at least one-eighth inch in depth and tapering to a sharp point) as viewed from the rear of the female lobster. V-notched female lobster also means any female which is mutilated in a manner which could hide, obscure or obliterate such a mark. The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

**(f)** A person shall not use any spear, gig, gaff or other penetrating device as a method of capture of lobsters.

7:25-14.16 Eligibility for lobster pot permit and pot allocation

**(a)** As of December 31, 2001, a vessel shall not land lobster harvested by a lobster pot unless such vessel is in the possession of a valid New Jersey Lobster Pot Permit issued in the name of the vessel and owner, except as provided for at N.J.A.C. 7:25-18.5(g)11i(4).

**1.** To be eligible for a Type A, B, C and F Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2001. To be eligible for a Type E Lobster Pot Permit allowing the use or possession in Federal and/or State waters of an allotted number of lobster pots as defined under N.J.A.C. 7:25-18.5(g)11, a complete application, including the required documentation, must be received by the Department no later than December 31, 2002. Applications may be mailed to:

 New Jersey Lobster Pot Permit

 Nacote Creek Research Station

 PO Box 418

 Port Republic, NJ 08241

**i.** For a Type A Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from March 25, 1991 to September 3, 1998, and participated in the harvest of lobster by lobster pot, pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

**(1)** A Type A Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster (Federal Lobster Permit), to be fished in Federal and/or State waters. For the purpose of this section, lobster pots will be assumed to last for five years with a 10 percent loss of pots per year.

**(2)** Documented proof of participation in an ASMFC Management Area pot fishery shall consist of one or more of the following:

**(A)** Federal logbook reporting forms identifying the vessel, number of pots fished, date of landings and National Marine Fisheries Service Statistical Area from where lobster were harvested;

**(B)** A personal logbook in combination with a notarized statement from the applicant attesting to its authenticity; and/or

**(C)** Gear damage compensation reports.

**ii.** For a Type B Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, had landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to March 25, 1991 and participated in the harvest of lobster by lobster pot pursuant to (a)4 below, during the year of documented landings submitted by the applicant.

**(1)** A Type B Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

**iii.** For a Type C Lobster Pot Permit, the applicant shall document that the vessel owner has possessed a valid New Jersey Lobster/Fish Pot License in any one calendar year during the period from January 1, 1980 to September 3, 1998 and landed and sold a minimum of 2,000 pounds of lobster in New Jersey during the year of the valid New Jersey Lobster and Fish Pot License submitted by the applicant.

**(1)** A Type C Commercial Lobster Pot permittee shall receive an allocation for 500 lobster pots to be fished in State waters only.

**(2)** An applicant seeking eligibility for a Type C New Jersey Lobster Pot Permit and pot allocation shall not have received or applied for pot or trap tags from any other lobster pot or trap tag issuing jurisdiction.

**iv.** For a Type E Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 500 pounds of lobster in New Jersey in any one calendar year during the period from January 1, 1980 to September 3, 1998, and participated in the harvest of lobster by otter trawl or lobster pot, pursuant to (a)4 or (a)5 below, during the year of documented landings submitted by the applicant.

**(1)** A Type E Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

**(2)** A Type E Lobster Pot Permittee that does not possess a Federal Fisheries Permit for American Lobster shall receive a lobster pot (trap) allocation of 500 pots (traps) to be fished in State waters only.

**(3)** A Type E Lobster Pot Permittee shall not possess otter trawl gear aboard his or her permitted vessel when fishing with pot gear. The simultaneous possession of otter trawl gear and lobster pot gear on board a vessel shall constitute prima facie evidence of a violation of this section.

**v.** For a Type F Lobster Pot Permit, the applicant shall document that the vessel owner possesses a current valid Federal Lobster Permit, landed and sold a minimum of 2,000 pounds of lobster in New Jersey in any one calendar year during the period from September 3, 1998 to December 31, 2000, and participated in the harvest of lobster by lobster pot pursuant to (a)4 below during the year of documented landings submitted by the applicant.

**(1)** A Type F Lobster Pot Permittee shall receive an allocation for the number of lobster pots (traps) authorized on the permittee's Federal Fisheries Permit for American lobster to be fished in Federal and/or State waters.

**2.** Documented proof of a Federal Lobster Permit or State Lobster/Fish Pot License shall consist of a copy of said permit or license submitted with the application that can be confirmed by Federal and State records.

**3.** Documented proof of landings shall consist of one or more of the following:

**i.** Weigh-out slips from the purchaser totaling the weight and the date the lobster was harvested; or

**ii.** A notarized statement from the applicant and the purchaser(s), attesting to the weight and date the lobster were landed and sold. A copy of the business records supporting the statement(s) must accompany the application.

**4.** Documented proof of participation in the lobster pot fishery shall be established through one or more of the following:

**i.** Federal logbook reporting forms identifying the vessel, number of pots fished and date of landings in New Jersey;

**ii.** A personal logbook in combination with bait and pot receipts;

**iii.** Gear damage compensation reports; or

**iv.** A notarized statement from the applicant and pot manufacturer or retailer attesting to the number of lobster pots and the date that the pots were purchased. A copy of the business records supporting the statement(s) must accompany the application.

**5.** Documented proof of participation in the lobster otter trawl fishery shall be established through one or more of the following:

**i.** Federal logbook reporting forms identifying the vessel, fishing gear and date of landings in New Jersey; or

**ii.** A copy of New Jersey license to fish with an otter trawl that can be confirmed by State records.

**6.** Other documentation similar to that in (a)3, 4 and 5 above may be accepted at the discretion of the Commissioner after his or her review.

**7.** The applicable New Jersey Lobster Pot Permit shall be on board the vessel to which it is issued at all times. The permit and pot allocation is valid upon issuance and in subsequent years unless revoked as part of a penalty action pursuant to N.J.A.C. 7:25-14.19 or as modified by the Commissioner, pursuant to N.J.A.C. 7:25-14.19. The applicable permit is issued to a specific vessel in the name of the owner.

**8.** The owner of a vessel permitted pursuant to this subsection may transfer his or her Lobster Pot Permit, upon application to the Department as follows:

**i.** To his or her replacement vessel. The vessel being replaced shall no longer be eligible for a New Jersey Lobster Pot Permit or pot allocation based upon the vessel's history, but shall be eligible for a permit transfer from another permitted vessel.

**ii.** Along with the sale of his or her vessel to a new owner, the owner selling the vessel shall no longer be eligible for a New Jersey Lobster Pot Permit based on the harvesting history of the vessel being sold.

**iii.** Transfer of a permit to a new vessel shall be limited to the same pot allocation and Lobster Permit Type as the original permitted vessel or as modified by the Commissioner pursuant to N.J.A.C. 7:25-14.19.

**iv.** No permit shall be transferred without the prior approval of the Department, based upon satisfaction of (a)8i through iii above.

**9.** Any harvester or vessel landing lobster in New Jersey for the purpose of sale shall sell all lobster only to a permitted Federal lobster dealer.

**10.** All New Jersey Lobster Permit holders landing lobster in New Jersey shall be required to complete monthly reports signed by the permittee attesting to the validity of the information. The monthly report forms shall be supplied by and returned to the Federal or State agency given authority for the Pot Tag Program and shall include all information required by said agency.

**11.** All New Jersey Lobster Permit holders shall allow research personnel from the Department or a person designated by the Department aboard the permitted vessel at any time following a 48 hour notification to sample lobster pot catches at sea.

7:25-14.17 Lobster pot tag program

**(a)** All lobster pots as defined under N.J.A.C. 7:25-18.5(g)11 in State or Federal waters or aboard a vessel shall be tagged with appropriate tags to be issued by the Federal or State agency given authority for the pot tag program.

**1.** Pot tags shall be placed on the pot bridge or main cross member clearly visible for inspection.

**2.** Pot tags shall be a permanently affixed and not transferable to another pot once attached to a pot.

**3.** A person or permitted lobster pot vessel shall only have on board or lift pots that have the valid identification as assigned to said person or vessel.

**4.** A person or vessel shall not have on board or fish more lobster pots than that vessel is allocated under the permittee's New Jersey Lobster Pot Permit.

**5.** Pot tags shall be issued annually and shall be valid for one year.

**6.** Permit holders shall be issued tags based upon their allocation of tags plus 10 percent to cover routine losses.

**7.** Catastrophic tag loss shall be defined as losses above the 10 percent routine loss rate established by the issuing authority due to gear conflicts, storms or other circumstance which may be accepted at the discretion of the Federal or State agency given authority for the pot tag program.

**i.** When a catastrophic loss occurs, an entirely new allotment of tags shall be dispersed and the original tags shall be invalid upon replacement.

**ii.** Permittees shall be allowed to fish new pots with a letter of exemption from the issuing authority until new tags are re-issued for a time period not be exceed two months.

**iii.** The issuing authority shall have the right to invoke emergency measures to suspend pot tag regulations in the event of area-wide catastrophic losses, for a time period not to exceed two months.

**8.** Permittees shall purchase pot tags only from the issuing authority

7:25-14.18 Exceptions for research

N.J.A.C. 7:25-14.13(a), 14.13(b), 14.15(a) and 14.15(b) shall not apply to the taking or possession of lobster bearing a tag that has been issued or affixed by the Department of Environmental Protection or by any other state or Federal agency with which the Department cooperates in a research project.

7:25-14.19 Administrative notice

**(a)** The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, quotas, possession limits, or reporting requirements in this subchapter by notice in order to maintain compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council, New England Fishery Management Council, or South Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service or any plan implemented by the National Marine Fisheries Service. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements in this subchapter by notice in order to provide for the optimal utilization of any quotas specified in this subchapter. Additionally, where seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements have been developed in accordance with (a)1 below and differ from those specified in the fishery management plan, but have been approved by the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service through the conservation equivalency process as achieving the same quantified level of conservation for the fishery governed by that plan, such seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements may be modified by notice. The Commissioner will review the catch rate for a particular species in relation to the season quota and, if harvest data indicate that upward adjustments in harvest control measures are warranted, to maximize utilization of the available quota within a specific season for a specific fishery, the Commissioner may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of any such modification by filing and publishing a notice of administrative change in the New Jersey Register, on the Department's website, and a notice in the Division's commercial regulation publication or in the New Jersey Marine Digest. All such notices shall be effective when the Department files the notice with the Office of Administrative Law, or as specified otherwise in the notice.

**1.** Proposed seasons, annual quota allocation, including modifying gear categories and the quota allocation by gear-type, minimum or maximum size limits, pot and trap limits, trip limits, possession limits, or daily, weekly, or monthly reporting requirements to be included in a submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service as being conservationally equivalent to the criteria determined to be eligible for conservation equivalency, as specified in the applicable fishery management plan, shall be established as follows:

**i.** The Commissioner shall consider the following factors in a conservation equivalency proposal:

**(1)** The temporal and spatial distributions of the species in State waters;

**(2)** The species' life history characteristics;

**(3)** The potential impact on the number of participants able to participate in the fishery;

**(4)** The ability of supporting industries to provide necessary services to optimize participation, for example, charter and day-fishing fleet availability;

**(5)** Consideration for the open seasons for other recreational and/or commercial fisheries; and

**(6)** Enforcement efficiency.

**2.** The conservation equivalency proposal must be approved by the New Jersey Marine Fisheries Council at a public meeting prior to submission to the Atlantic States Marine Fisheries Commission, Mid-Atlantic Fishery Management Council, New England Fishery Management Council, South Atlantic Fishery Management Council, and/or the National Marine Fisheries Service. Public notice of the meeting, including an agenda, shall be provided on the Department's website at https://www.nj.gov/dep/fgw/marcncl.htm. The agenda shall specify that the meeting will include discussion of a potential conservation equivalency proposal.

7:25-14.20 Penalties

**(a)** Any person violating any of the provisions of this subchapter relating to crabs shall be liable to the penalties provided by N.J.S.A. 23:2B-14 except for (b), (c) and (d) below.

**(b)** Any person not having a valid license in possession or failing to exhibit same for inspection by an authorized law enforcement officer while tending a pot or trot line or dredging crabs, or violating the provisions of N.J.A.C. 7:25-14.5(a)1 or 2 or 14.6 shall be liable to a penalty of $30.00 for the first offense and $50.00 for each subsequent offense.

**(c)** Any person failing to check crab pots at least once every 72 hours pursuant to N.J.A.C. 7:25-14.2(d) shall be liable to a penalty of $30.00 for each pot in violation.

**(d)** Any person violating the provisions of N.J.A.C. 7:25-14.9 or 14.10 shall be liable to a penalty of $30.00 for each crab taken or had in possession.

**(e)** Any person using or possessing a crab pot which does not contain a biodegradable panel or other mechanism specified in N.J.A.C. 7:25-14.1 shall be subject to a penalty of $30.00 for each pot in violation.

**(f)** Any person dredging crabs outside of the "crab dredge area" or dredging crabs on unauthorized marked leased shellfish grounds pursuant to N.J.A.C. 7:25-14.7(b) shall be subject to the penalties provided by N.J.S.A. 23:2B-14 in addition to a mandatory 12 month crab dredge license privilege revocation and seizure of the entire catch in possession. The commercial licensee shall be held liable and subject to license privilege revocation and catch seizure for violations actually committed by an agent based upon the apparent authority of the agent to act for his or her principal.

**(g)** Any person violating the provisions of N.J.A.C. 7:25-14.13, lobster size, tail size and landing of lobster parts; N.J.A.C. 7:25-14.14, possession limits; N.J.A.C. 7:25-14.15, prohibition of egg-bearing lobsters, v-notched female lobsters and the prohibition of the use of a penetrating device; N.J.A.C. 7:25-14.16, eligibility for a lobster pot permit and pot allocation; N.J.A.C. 7:25-14.17, lobster pot tag program; N.J.A.C. 7:25-18.5(g)11i, lobster pot maximum size or N.J.A.C. 7:25-18.5(g)11iv, escape vents, shall be subject to a penalty of $30.00 for each lobster, lobster part or lobster pot in violation.

**(h)** Failure to comply with the provisions of N.J.A.C. 7:25-14.13, lobster size, tail size, and landing of lobster parts; N.J.A.C. 7:25-14.15, prohibition of egg-bearing lobsters, v-notched female lobster; N.J.A.C. 7:25-14.16, eligibility for a lobster pot permit and pot allocation; N.J.A.C. 7:25-14.17, lobster pot tag program; N.J.A.C. 7:25-18.5(g)11ii, lobster pot maximum size; or N.J.A.C. 7:25-18.5(g)11vii, escape vents, shall result in the suspension during the period which extends from April 1 to November 30, or revocation of the vessel's lobster pot permit and/or the lobster pot license of the operator according to the following schedule:

**1.** First offense: 60 days suspension;

**2.** Second offense: 120 days suspension;

**3.** Third offense: permanent revocation.

**4.** In calculating the period of suspension or revocation applicable under (h)1 through 3 above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this paragraph; therefore, a permit holder who incurs more than one suspension within a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this paragraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

**(i)** Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in violation of the provisions of this subchapter may be seized and forfeited.

**(j)** The assessment of any administrative penalty shall not preclude the Department from prosecuting for a larger amount in the event the administrative penalty is not paid by the time requested.

**(k)** Nothing in this section shall require the Department to assess an administrative penalty before instituting prosecution.

7:25-14.21 Request for adjudicatory hearing

**(a)** Any person, subject to the limitation on third party appeal rights set forth in P.L. 1993, c.359 (N.J.S.A. 52:14B-3.1 through 3.3), who believes himself or herself to be aggrieved with respect to a license and/or permit decision made by the Department under this subchapter may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

**(b)** A request for an adjudicatory hearing must be received by the Department within 30 calendar days after the person requesting the hearing receives notice of the Division's decision. If the Department does not receive a hearing request within the allotted time, it shall deny the hearing request.

**(c)** A person requesting a hearing shall provide the following information in writing to the Department at the address in (f) below:

**1.** The name, address, and telephone number of the person requesting the hearing;

**2.** A copy of the decision document;

**3.** A description of any facts or issues which the petitioner believes constitute a defense to the decision made by the Department;

**4.** Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;

**5.** An estimate of the time required for the hearing (in days and/or hours); and

**6.** A request, if necessary, for a barrier-free hearing location for physically disabled persons.

**(d)** If the person fails to include all of the information required by (c)1 through 6 above, the Department may deny the hearing request.

**(e)** A request for an adjudicatory hearing shall be submitted to the Department at the address listed below, with a copy to the Division of Fish and Wildlife at the address given at N.J.A.C. 7:25-14.4(c):

 New Jersey Department of Environmental Protection

 Office of Administrative Hearings and Dispute Resolution

 Attention: Adjudicatory Hearing Requests

 Mail Code 401--07A

 PO Box 420

 Trenton, New Jersey 08625-0420